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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,269	06/30/2000	Donald Kadyk	13768.109.1	2137

22913 7590 03/11/2004

WORKMAN NYDEGGER (F/K/A WORKMAN NYDEGGER &
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SALT LAKE CITY, UT 84111

EXAMINER

LY, ANH VU H

ART UNIT	PAPER NUMBER
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2667

10

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/609,269

Applicant(s)

KADYK, DONALD

Examiner

Anh-Vu H Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

~~*Oath/Declaration*~~

1. The signature of the following inventor(s) is missing from the oath or declaration: Neil Fishman and Marc Seinfeld.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 11-24, 31-36, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowker, D. O. et al (EP 0872990 A1). Hereinafter, referred to as Bowker.

With respect to claim 1, 11-13, 18-21, 31-33, and 35, Bowker discloses in Fig. 1, a functional block diagram representing a Broker Application Server (BAS) (herein, the BAS is considered as a gateway by the examiner) for facilitating communication between one or more sends and one or more receivers over a digital packet network. Bowker discloses (page 5, lines 5-10) that if the data is not in the preferred format of receiver 14, control is transferred to a first transcoder 116 and the data is transcoded into a common or generic format (intermediate data format) (an act of converting the data structure from the first data format into an intermediate data format using first format conversion module in the sequence of data conversion modules). The data now in a common format is then further transcoded in a second transcoder 118 in to the preferred format of the receiver 14 (an act of converting the data structure from the intermediate data format into the second data format using at least second format conversion module in the

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sequence of data conversion modules). Herein, the common or generic format and the preferred format of the receiver are identified as a sequence of format-conversion modules by the examiner for converting the received data from the sender to the preferred format of the receiver.

With respect to claims 2, 15, and 22, Bowker discloses in Fig. 3, a flowchart of a process for translating data to a user's preferred format include the steps of examining the format of the received data from the sender (an act of identifying first data format as received from the originating computer system) and determining preferred format of the addressed receiver (an act of identifying second data format compatible with the remote computer system).

With respect to claims 3, 16, and 23, Bowker discloses (page 4, lines 53 – 54) that the data is extracted from the packet (an act of reading a content type field associated with the data structure).

With respect to claims 4, 17, and 24, Bowker discloses in Fig. 3, step 304 that address information stored in the packet is examined (an act of reading a destination address field associated with the data structure). Further, in step 310, preferred format of addressed receiver is determined by looking up information stored in memory 103, Fig. 1 (an act of querying a database for a data format and determining the resulting data format associated with the remote computer system that is represented by the destination address within the destination address field).

With respect to claims 14 and 34, Bowker discloses in Fig. 1, the BAS comprising a memory 103 for storing preferred format of receivers (computer-readable medium comprising a physical storage medium).

With respect to claims 36 and 41, Bowker discloses (page 4, lines 23-30) that the sender 12 can be an individual computer (herein, the individual computer is considered as a server computer system by the examiner), a network node, a PoP of an ISP, or any other device, which transmits digitized packets. The receiver 14 may suitably be a general-purpose personal computer (herein, the general purpose personal computer is considered as a server computer system by the examiner) or an Internet or web terminal with more limited functionality.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-10, 25-30, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowker, D. O. et al (EP 0872990 A1).

With respect to claims 5, 7, 9, 25, 27, 29, 37-38, and 40, Bowker discloses in Fig. 5, a network environment comprising plurality of senders (originating devices) and receivers (remote devices) and BAS. Bowker does not disclose remote and originating computer system comprising a wireless device. However, it is known in the art a plurality of handheld devices such as PDAs, palmtops, pocket computers have been widely used, in wireless communications

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network, to display emails, text, graphics, etc... Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a wireless device in the network environment of Bowker, to accommodate and display information for mobile users.

With respect to claims 6, 8, 10, 26, 28, 30, and 39, Bowker discloses (page 4, lines 23-30) that the sender 12 can be an individual computer (herein, the individual computer is considered as a server by the examiner) (originating computer system comprising a server computer system), a network node, a PoP of an ISP, or any other device, which transmits digitized packets. The receiver 14 may suitably be a general-purpose personal computer (herein, the general purpose personal computer is considered as a server by the examiner) (the remote computer system comprising a server computer system) or an Internet or web terminal with more limited functionality.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hartmann et al (US Patent No. 6,047,002) discloses a communication system which including packet conversion and routing for improved performance and simplified operation.

Kadyk et al (US Patent No. 6,674,767) discloses flexible system and method for communicating between a broad range of network and devices.

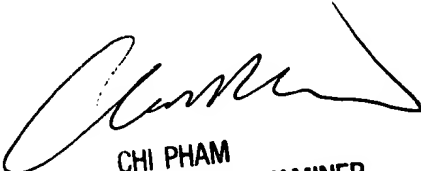
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 703-306-5675. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 703-305-4378. ~~The fax phone number for the~~ organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 3/5/09